

## **CITY OF SPOKANE ETHICS COMMISSION**

Ethics Commission's Findings, Conclusions and Decision  
Regarding Complaint filed by Jackie Murray against Kate Burke

### **FINDINGS**

The Ethics Commission makes the following findings:

1. On or about December 20, 2018, the Ethics Commission received an ethics complaint filed by Jackie Murray against Kate Burke.
2. The complaint alleges that Ms. Burke violated her duty of ethical conduct under the City Council's Rules of Procedures in regards to her behavior on City property.
3. On December 7, 2018, Ms. Burke filed a response to the ethics complaint pursuant to SMC 1.04A.110 asserting that the complaint must be dismissed because the Ethics Commission has no jurisdiction pursuant to SMC 1.04A.110 D.1.a. and the complaint failed to allege facts, which, if found to be true, would be sufficient to constitute a violation of the Code of Ethics. Ms. Burke asserts that the complaint alleges a violation of the City Council's Code of Conduct and not of the Ethics Code and that the Commission's jurisdiction is limited to the Ethics Code. Ms. Burke further asserts that even if the alleged conduct did occur such conduct is not a violation of the Ethics Code.
4. On March 20, 2019, the Ethics Commission held a hearing to review the complaint to determine whether, pursuant to SMC 1.04A.110 (D) (1) and (2), the Commission has jurisdiction to conduct further proceedings and whether the complaint, on its face, alleges facts that, if true, would substantiate a violation.
5. At the March 20, 2019 Commission hearing, the Commission considered the December 20, 2018 complaint filed by Ms. Murray, the December 27, 2018 response filed by Ms. Burke, testimony presented by Ms. Murray and Ms. Burke and the deliberation of the Commission members.

### **CONCLUSIONS**

The Ethics Commission makes the following conclusions:

The complaint failed to assert facts that would demonstrate that the Ethics Commission has jurisdiction to hear the matter. The complaint alleges violations of the City Council's own Rules of Procedures. The

Commission's authority is limited to hearing matters related to the City's Code of Ethics in SMC 1.04A. The Commission has no authority to hear complaints regarding alleged violations of the City Council's Rules of Procedures. The complaint provides no direct inference or citations to the Ethics Code or to any provisions of the Ethics Code regarding specific violations.

### **DECISION**

Based upon the Findings and Conclusions set forth above and the deliberation of the Ethics Commission, the Ethics Commission concludes that the complaint by Ms. Murray shall be dismissed due to the Commission's lack of jurisdiction pursuant to SMC 1.04A.110 D. 1.

This decision was approved by a vote of five to zero of the Ethics Commission members present for and participating in the hearing, with Chairperson Dennis Cronin abstaining

   
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Brian Steverson – Acting Chairperson      Date